

REMARKS

The present Amendment cancels claims 1-24, amends claims 25-32 and adds new claims 33 and 34. Therefore, the present application has pending claims 25-34.

Applicants note that the Examiner did not consider the Information Disclosure Statement filed on August 31, 2001 along with the present application. Attached herewith is a Form PTO-1449 providing a listing of the references submitted by the August 31, 2001 Information Disclosure Statement. An indication that the references listed therein have been considered is respectfully requested in the forthcoming Office Action.

Claims 1-32 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. As indicated above, claims 1-24 were canceled. Therefore, this rejection with respect to claims 1-24 is rendered moot. Various amendments were made throughout the remaining claims 25-32 to overcome the 35 USC §112, second paragraph rejection. Therefore, this rejection is overcome and should be withdrawn.

Claims 1-32 stand rejected under 35 USC §103(a) as being unpatentable over Doing (U.S. Patent No. 6,438,671) in view of Kauffman (U.S. Patent No. 6,633,916). As indicated above, claims 1-24 were canceled. Therefore, this rejection with respect to claims 1-24 is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the cancellation of claims 1-24 was not intended nor should it be considered as an agreement on Applicants part that the

features recited in claims 1-24 are taught or suggested by any of the references of record. The cancellation of claims 1-24 was simply intended to expedite prosecution of the present application.

The 35 USC §103(a) rejection of the remaining claims 25-32 is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 25-32 are not taught or suggested by Doing or Kaufmann whether taken individually or in combination with each other as suggested by the Examiner. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

The present invention relates to a virtual computer system having a hypervisor which includes a load monitor for monitoring load conditions of virtual computers, a reallocation section for dynamically changing allocation of physical resources to the virtual computers and a controller for searching physical resource allocation to the virtual computers based on load conditions obtained by the load monitor and for demanding reallocation to the reallocation section.

According to the present invention the load conditions of virtual computers are, for example, an occupation rate of CPUs in each of the virtual computers, a length of queue for execution of process, frequency of paging or swap in main memory and response time of a process of an application program in each of the virtual computers, and allocation of the physical resources to the virtual computers is, for example, CPU allocation ratios, the number of CPUs, main memory allocation and swap areas of Disks shown in Fig. 22.

The above described features of the present invention as recited in the claims are not taught or suggested by any of the references of record, particularly Doing and Kauffman, whether taken individually or in combination with each other as suggested by the Examiner.

The features of the present invention as recited in the claims are not taught or suggested by Doing.

Doing discloses a computer system including logical partitions for which a processor provides hardware support. In the system taught by Doing a hypervisor regulates the logical partitions and the processor assigns effective addresses to each of the logical partitions. However, Doing does not disclose the functions of a hypervisor as recited in the claims including, for example, monitoring load conditions of virtual computers, dynamically allocating physical resources of the virtual computers, and dynamically conducting physical resource reallocation to the virtual computers according to the monitored conditions.

Thus, Doing fails to teach or suggest a hypervisor which includes a load monitor for monitoring load conditions of the virtual computers from an occupation rate of the CPUs in each of the virtual computers and/or a length of queue for execution of process in each of the virtual computers as recited in the claims.

Further, Doing fails to teach or suggest a hypervisor which includes a reallocation section for dynamically changing allocation of physical resources to said plurality of virtual computers as recited in the claims.

Still further, Doing fails to teach or suggest a hypervisor which includes a controller for searching physical resource allocation to the virtual computers

based on load conditions obtained by the load monitor and for demanding reallocation to the reallocation section as recited in the claims.

Therefore, Doing does not teach or suggest the features of the present invention as recited in the claims.

The above noted deficiencies of Doing are not supplied by any of the other references of record. Particularly the above noted deficiencies are not supplied by Kauffman. Thus, combining the teachings of Doing with the teachings of Kauffman still fails to teach or suggest the features of the present invention as recited in the claims. Therefore, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 25-32 as being unpatentable over Doing in view of Kauffman is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-32.

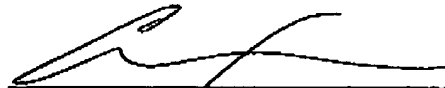
As indicated above new claims 33 and 34 were added. New claims 33 and 34 recite many of the same features recited in claims 25-32 shown above not to be taught or suggested by any of the references of record whether taken individually or in combination with each other. Therefore, the same arguments presented above with respect to claims 25-32 apply as well to new claims 33 and 34.

In view of the foregoing amendments and remarks, Applicants submit that claims 25-34 are in condition for allowance. Accordingly, early allowance of claims 25-34 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.40578X00).

Respectfully submitted,

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